

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **VICE CHAIRMAN JIM PETERSON**, on February 21, 2003 at 3 P.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Gail Gutsche, Vice Chairman (D)  
Rep. Jim Peterson, Vice Chairman (R)  
Rep. Debby Barrett (R)  
Rep. Larry Cyr (D)  
Rep. Sue Dickenson (D)  
Rep. Ron Erickson (D)  
Rep. George Everett (R)  
Rep. Christopher Harris (D)  
Rep. Carol Lambert (R)  
Rep. Michael Lange (R)  
Rep. Rick Maedje (R)  
Rep. Bruce Malcolm (R)  
Rep. Brad Newman (D)  
Rep. John (Jack) W. Ross (R)  
Rep. Scott Sales (R)  
Rep. Veronica Small-Eastman (D)

**Members Excused:** Rep. Cindy Younkin, Chairman (R)  
Rep. Kim Gillan (D)

**Members Absent:** None.

**Staff Present:** Kathleen Ely, Committee Secretary  
Larry Mitchell, Legislative Branch

**Video-taped Committee:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society. THE TIME STAMP REPRESENTS ELAPSED TIME.

**Committee Business Summary:**

Hearing & Date Posted: HB 574, 2/13/2003; HB 581,  
2/13/2003; HB 584, 2/17/2003; HB  
673, 2/17/2003  
Executive Action: HB 113, DO PASS, 10-8  
HB 437, DO PASS AS AMENDED, 12-6  
HB 467, DO PASS AS AMENDED, 10-8  
HB 533, TABLED  
HB 574, DO PASS, 18-0  
HB 584, DO PASS, 18-0  
HB 605, TABLED  
HB 673, DO PASS AS AMENDED, 10-8

**HEARING ON HB 574**

**Opening Statement by Sponsor:**

02:00 REP. LEHMAN, HD 87 -- **Short Title:** Revise authority to  
regulate burning on certain property.

**Proponents' Testimony:**

08:00 Leonard Lenby, Volunteer Fire Chief, Volunteer  
Firefighters Association  
10:00 John Semple, Montana Fire Alliance

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

11:00

**Closing by Sponsor:**

13:00

**HEARING ON HB 584**

**Opening Statement by Sponsor:**

15:00 REP. BARRETT, HD 34 -- **Short Title:** Eliminate  
termination date for controlled allocation of liability  
act.

**Proponents' Testimony:**

17:00 Sandi Olsen, Department of Environmental Quality  
**EXHIBIT (nah39a01)**  
19:00 Jennifer Fanning, Montana Environmental Information  
Center

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

21:00

**Closing by Sponsor:**

21:00

**HEARING ON HB 581**

**Opening Statement by Sponsor:**

23:00 REP. GUTSCHE, HD 66 - Short Title: Prohibit burning PVC  
plastic for air quality

**EXHIBIT (nah39a02)**

**Proponents' Testimony:**

27:00 Jennifer Bannon, Montana Environmental Information  
Center

**EXHIBIT (nah39a03)**

31:00 Matthew Leo, Montana Public Interest Research Group

33:00 Amy Bolange, Women's Vices of the Earth

**Opponents' Testimony:**

38:00 Kim Liles, Smurfit Stone Container, PACE Local 80885

43:00 Lief Griffin, Environmental Manager, Smurfit Stone  
Container

**EXHIBIT (nah39a04)**

48:00 Steve Yeakel, Montana Funeral Directors Association

50:00 Don Quander, Smurfit Stone Container

**Informational Testimony:**

54:00 Don Vidrine, Department of Environmental Quality

**Questions from Committee Members and Responses:**

57:00

**Closing by Sponsor:**

1:31:00

1:36:00 VICE-CHAIRMAN GUTSCHE assumes the Chair.

**HEARING ON HB 673**

**Opening Statement by Sponsor:**

0:00 REP. PETERSON, HD 94 -- Short Title: Procedures and  
criteria for FWP objections to existing water rights

**Proponents' Testimony:**

1:40:00 John Bloomquist, Montana Stockgrowers Association

1:45:00 Nancy Schlepp, Montana Farm Bureau Federations

1:47:00 John Semple, Montana Cattlemen Association

**Opponents' Testimony:**

1:47:00 Jeff Hagener, Department of Fish, Wildlife and Parks

**EXHIBIT (nah39a05)**

1:52:00 Stan Bradshaw, Trout Unlimited

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

1:59:00

**Closing by Sponsor:**

2:14:00

5:18 p.m. Break

5:30 p.m. Resume

**CHAIRMAN YOUNKIN** present.

**EXECUTIVE ACTION ON HB 574**

**Motion:** **REP. PETERSON** moved that **HB 574 DO PASS.**

**Motion:** **REP. MAEDJE** moved that **HB 574 BE AMENDED TO INSERT THE WORD "ORAL" BEFORE PERMISSION ON LINES 6, 16 AND 23.** Motion failed by voice vote. **CHAIRMAN YOUNKIN** did not delineate the no votes on the voice vote.

**Vote:** Motion carried unanimously by voice vote.

**Motion/Vote:** **REP. NEWMAN** moved **THAT HB 574 BE PLACED ON THE CONSENT CALENDAR.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 584**

**Motion/Vote:** **REP. BARRETT** moved that **HB 584 DO PASS.** Motion carried unanimously by voice vote.

**Motion/Vote:** **REP. ERICKSON** moved **THAT HB 584 BE PLACED ON THE CONSENT CALENDAR.** Motion carried unanimously.

**EXECUTIVE ACTION ON HB 437**

**Motion:** **REP. LANGE** moved that **HB 437 DO PASS.**

**Motion:** REP. LANGE moved that HB 437 BE AMENDED.

**Discussion:**

2:40:00

**Vote:** Motion carried 12-6 with REPS. DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, and SMALL-EASTMAN voting no by roll call vote.

**Motion/Vote:** REP. LAMBERT moved that HB 437 DO PASS AS AMENDED. Motion carried 12-6 with REPS. DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, and SMALL-EASTMAN voting no by roll call vote.

**Motion/Vote:** REP. PETERSON moved HB 437 be reconsidered. Motion carried with REPS. ERICKSON and GUTSCHE voting no by voice vote.

**Motion/Vote:** REP. YOUNKIN moved that HB 437 BE AMENDED. Motion carried 12-6 with REPS. DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, and SMALL-EASTMAN voting no by roll call vote. CHAIRMAN YOUNKIN ruled that the roll call vote on Motion No. 2 would be used as the source for the vote.

**EXECUTIVE ACTION ON HB 533**

**Motion:** REP. LAMBERT moved that HB 533 DO PASS.

**Discussion:**

3:01:00

**Vote:** Motion HB 533 failed 8-10 with REPS. BARRETT, EVERETT, LAMBERT, LANGE, MAEDJE, PETERSON, ROSS, and YOUNKIN voting aye.

**Motion/Vote:** REP. ERICKSON moved that the vote on HB 533 BE REVERSED and TABLED. Motion carried unanimously.

**EXECUTIVE ACTION ON HB 605**

**Motion:** REP. GILLAN moved that HB 605 DO PASS.

**Discussion:**

3:19:00

**Motion/Vote:** REP. PETERSON moved that HB 605 BE TABLED. Motion carried 14-4 with REPS. ERICKSON, GILLAN, GUTSCHE, and SMALL-EASTMAN voting no by roll call vote.

EXECUTIVE ACTION ON HB 673

Motion: REP. PETERSON moved that HB 673 DO PASS.

Motion/Vote: REP. PETERSON moved that HB 673 BE AMENDED. Motion carried unanimously by voice vote.

Motion: REP. PETERSON moved that HB 673 DO PASS AS AMENDED.

Discussion:

3:37:00

Vote: Motion carried 12-8 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting no by roll call vote.

EXECUTIVE ACTION ON HB 467

Motion/Vote: REP. SALES moved to take HB 467 off the table.

Motion carried 10-8 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting no by roll call vote.

Motion/Vote: REP. SALES moved HB 467 DO PASS AS AMENDED. Motion carried 10-8 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting no by roll call vote.

EXECUTIVE ACTION ON HB 113

Motion/Vote: REP. LANGE moved to take HB 113 off the table.

Motion carried 10-8 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting no by roll call vote.

Motion/Vote: REP. LANGE moved HB 113 DO PASS AS AMENDED. Motion carried 10-8 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting no by roll call vote.

**ADJOURNMENT**

Adjournment: 6:44 P.M.

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REP. CINDY YOUNKIN, Chairman

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KATHLEEN ELY, Secretary

CY/KE

**EXHIBIT (nah39aad)**